

On January 3, 1942 the British Government communicated through the Argentine Charge d'Affaires in Tokyo the information that the British, Canadian, Australian and New Zealand Governments would declare their observance of the Geneva Prisoner of War Convention of 1929 in respect of Japan and inquired whether the Imperial Government had any intention of making a similar declaration.

There was another communication on January 5th saying that they propose to take the national and racial manners and customs of the prisoners of war into consideration when applying articles 11 and 12 of the said agreement concerning the supply of provisions and clothing to the prisoners of war.

To the above we communicated the following to the various Governments mentioned above, through the Argentine Charge d'Affaires in Tokyo on January 29th:

1. The Imperial Government has not ratified the agreement in question and therefore refuses to be bound in any way whatever by the agreement, ~~but will apply the provisions of the said agreement~~ to British, Canadian, Australian and New Zealand prisoners of war within Japan's jurisdiction.
2. The Imperial Government will consider the national and racial manners and customs of the prisoners of war on a basis of reciprocity when supplying clothing and provisions to the prisoners of war.

"however, it will apply mutatis mutandis the provisions of the said convention."

EXHIBIT NO. 1951

FILE COPY
RETURN TO ROOM 361

Doc. No. 1465 B

C E R T I F I C A T E

W. D. C. No. _____
I. P. S. No. 1465-B

Statement of Source and Authenticity

I, K. Hayashi hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section Foreign Office and that as such official I have custody of the document hereto attached consisting of 1 pages, dated 29 January 1942, and described as follows: Statement concerning reply of Japanese Foreign Minister to Argentine Charge d' Affairs in Tokyo on January 29, 1942, one page of Japanese ext.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): The Ministry of Foreign Affairs.

Signed at Tokyo on this
5 day of Sept, 1946

/s/ K. Hayashi
Signature of Official
SFAL
Chief of Archives Section
Official Capacity

Witness: s/ Nagaharu Odo

Statement of Official Procurement

I, John Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
5 day of Sept., 1946

/s/ J. A. Curtis 2d Lt
NAME

Witness: /s/ R. H. Larsh

Investigator
Official Capacity

1465B-1

昭和十七年一月三日英國政府ヨリ在京亞國代理大使ヲ通シ英、加、濠洲新西蘭各政府ハ日本ニ對シ一九二九年ノ壽府俘虜待遇條約ノ條項ノ遵守ヲ聲明スル旨及帝國政府ハ同様ノ聲明ヲ行フ意嚮アリヤ照會越セルガ更ニ一月五日俘虜ノ食糧及衣類ノ補給ニ關スル前記條約第十一條及第十二條ノ適用ニ關シ俘虜ノ國民的、民族的習慣ヲ考慮スルコトヲ提案スル旨申越アリタリ

右ニ對シ我方ハ一月二十九日在京亞國代理大使ヲ通シ前記各政府ニ對シ

(一)帝國政府ハ本件條約ヲ批准シ居ラズ從テ何等同等同條約ノ拘束ヲ受ケザル次第ナルモ日本ノ權内ニ在ル英、加、濠及新西蘭人タル俘虜ニ對シテハ同條約ノ規定ヲ準用スベキ旨及(二)俘虜ノ被服及食糧ノ補給ニ關シテハ相互條件ノ下ニ俘虜ノ國民的、人種的風習ヲ考慮スベキ旨通報セリ

FILE COPY
RETURN TO ROOM 361

1465B-2

證 明 書

「ワシントン」文書局 第 號
國際檢察部 第一四六五 B 號

典據及ビ公正ニ關スル證明

余、ケ・林ハ余ガ下記ノ資各ニ於テ、即チ外務省
文書課長トシテ、日本政府ト公的關係ニ在ルモノ
ナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラレ
タル、一頁ヨリ成ル、千九百四十二年ノ昭和十七
年ノ一月二十九日附、下記題名、即チ千九百四十
三年一月二十九日日本外務大臣ヨリアルゼンチン
代理大使ニ對スル回答ニ關スル陳述原本ハ日本文
一頁ヨリ成ルノ文書ノ保管ニ任ジ居ルコトヲ茲ニ
證明ス。

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書
ナルコト、竝ニ右ガ下記名稱ノ省又ハ部局ノ公文
書類及ビ綴ノ一部ナルコトヲ證明ス。（若シアラバ
綴本號又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所
在ノ公式名稱ヲモ特記スベシ） 外 務 省

1465B-3

千九百四十六年／昭和二十一年／九月五日

東京ニ於テ署名

當該官吏署名欄 ケー・林／署名捺印／

右ノ者ノ公的資格 文書課長

證 人 オドウ・ナガヘル

公式入手ニ關スル證明

余、*John Curtis* カークスハ、余ガ聯合國最高指揮官
總司令部ニ關係スルモノナルコト、竝ニ上記題名
ノ文書ハ余ガ公署上、日本政府ノ上記署名官吏ヨ
リ入手シタルモノナルコトヲ茲ニ證明ス。

千九百四十六年／昭和二十一年／九月五日

東京ニ於テ署名

氏 名 欄 *G. A. Curtis*
(*G. A. Curtis*)

右ノ者ノ公的資格 調査官

證 人 *R. E. Harsh*
(*R. E. Harsh*)

C. # 1958

Document No. 1465-A

Page 1

IMPERIAL JAPANESE GOVERNMENT

Central Liaison Office

TO: Mr. A. F. Mignone, Document Acquisition, IPS
FROM: Mr. Ohta, Central Liaison Office
SUBJECT: Production of Document Requested

18 April 1946

With reference to your check sheet dated 30 March, I wish to submit herewith the required document compiled by the First Demobilization Ministry.

/s/ S. Ohta

SUBJECT: "Record of Conference in War Ministry", May 6, 1942, regarding decision not to apply the Geneva Convention, and orders issued in consequence thereof.

There is no data to confirm whether or not there was held any conference in the War Ministry on May 6, 1942. However, as regards the matter of non-application of the Geneva Convention the following decisions of the War Ministry may be cited:

1. The Vice Minister of Foreign Affairs under date of January 13, and 16, transmitted to the War Ministry the inquiries of American, British and other governments. The Ministry, following several conferences, reached a decision (Annex I) and communicated the same to the Vice Minister for Foreign Affairs on January 23. However, there are no records of the conferences.
2. On January 27, 1942, the Vice Minister for Foreign Affairs sent an inquiry regarding the application of the Prisoner of War Convention to non-combatant internees. As a result of a conference, the Ministry reached a decision (Annex II). The same was communicated by the Vice Minister of War to the Vice Minister of Foreign Affairs under date of February 6, however, there is no record of the conference.
3. The Foreign Office, under date of December 12, 1941, transmitted to the War Ministry the communication of the International Red Cross Committee Chairman, Max Huder, concerning collection and transmission of information regarding prisoners of war. After a conference, the Ministry reached a decision (Annex III), which was communicated to the Foreign Office.
4. The above decisions being entirely in line with the fundamental principles and policy, according to which the War Ministry had always directed the conduct of the affairs relating to prisoners of war, no orders seem to have been issued in consequence of the decisions. (Existing data have been examined, but it cannot be ascertained whether any order was issued or not.)

Reply from Vice Minister of War to Vice Minister for
Foreign Affairs, January 23, 1942
(Translation)

"In answer to your inquiries in clear No. 52 and No. 53, dated January 13 and No. 85, dated January 16, the views of this Ministry are as follows:

I. Concerning No. 53:

1. In view of the fact that the Geneva Convention relating to prisoners of war was not ratified by His Majesty, we can hardly announce our observance of the same. But it would be safe to notify the world that we have no objection to acting in accordance with the Convention in the treatment of prisoners of war.
2. As regards providing prisoners of war with food and clothing, we have no objection to giving due consideration to the national or racial habits and customs of the prisoners.

II. Concerning No. 53 and No. 85, the above views will be applicable."

Application of the Prisoner of War Convention to
Non-Combattant Internees. (Army, Ordinary No. 753,
February 6, 1943) (Translation)

Referring to your communication, No. 149, dated January 27,
1942, on the above subject, the views of this ministry are as follows:

The 1929 Geneva Convention relating to Prisoners of
War has no binding power whatsoever on Japan. But this
ministry has no objection to applying the principles of
the Convention to non-combattant internees within such
limits as it is applicable, provided, however, that no
person be subjected to labor against his will.

Application of the Prisoner of War Convention to
Non-Combattant Internees. (Army, Ordinary No. 753,
February 6, 1943) (Translation)

Referring to your communication, No. 149, dated January 27,
1942, on the above subject, the views of this ministry are as follows:

The 1929 Geneva Convention relating to Prisoners of
War has no binding power whatsoever on Japan. But this
ministry has no objection to applying the principles of
the Convention to non-combattant internees within such
limits as it is applicable, provided, however, that no
person be subjected to labor against his will.

Communication of the International Red Cross Committee
Chairman concerning collection and transmission of in-
formation regarding prisoners of war, dated December 28,
1941 (Army Ordinary 9392) (Translation)

Referring to your communication, No. 4585, dated
December 12, 1941, on the above subject, the views of this Ministry
are as follows:

The Ministry agrees to the proposal.

However,

- a. It is not that we "declare that we are prepared to
apply in practice" the provisions of the Prisoner
of War Convention of 1929, but that we "utilize them
for the convenience of transmission of information."
- b. Information is to be transmitted by telegram and
other means.

Doc. No. 1465 A

C E R T I F I C A T E

W. D. C. No. _____
I. P. S. No. 1465 A

Statement of Source and Authenticity

I, Yozo Miyama hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives and Document Section and that as such official I have custody of the document hereto attached consisting of 5 pages, dated April 18, 1946, and described as follows: Report from Imperial Japanese Government Central Liaison Office Forwarded to IPS by letter dated April 18, 1946, with five pages of Japanese Text attached.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): 1st Demobilization Bureau.

Signed at Tokyo on this
6 day of September, 1946

/s/ Yozo Miyama
Signature of Official

SPAL

Chief of the Archives
and Documents Section

Official Capacity

Witness: /s/ Keije Hashimoto

Statement of Official Procurement

I, John Curtis, 2d Lt., hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
6 day of September, 1946
Witness: /s/ Eric W. Fleisher

/s/ J. A. Curtis 2d Lt.

NAME

Investigator

Official Capacity

シエネーヴ條約ヲ適用セズトノ一九四二年五月六日ノ

陸軍省議記錄提出ノ件

一九四二年五月六日省議アリシヤ否ハ資料無ク不明ナルモ別ニ「シエネーヴ」條約ヲ適用セズトノ件ニ關シテハ左ノ如ク省議決定スルタルモノアリ

一、一九四二年一月十三日及十六日附外務次官ヨリ俘虜ノ待遇ニ關スル米英等各國以府ノ照會アリ爾後屢々省議ヲ重ネタル結果別紙第一ノ如ク決定シ一月二十三日之ヲ外務次官ニ回答セリ

但省議記錄ナシ

二、一九四二年一月二十七日邦匪非戰團員ニ對スル俘虜條約適用可否ニ關スル外務次官ノ照會ニ接シ省議ノ結果別紙第二ノ如ク決定二月六日之ヲ陸軍次官ヨリ外務次官宛回答セリ

但省議記錄ナシ

三、一九四一年十二月十二日捕虜ニ關スル情報蒐集傳達ニ關シ國際赤十字會委員長 RICHARD HUBER ヨリノ申入ニ關スル外務省ヨリノ照會ニ接シ省議ノ結果別紙第三ノ如ク決定シ之ヲ外務省ニ回答セリ

四、右ノ各項ハ從來陸軍ニ於テ抱負シ且之ニ基キ俘虜關係業務ヲ指導シアリシ根本方針ト何等變化

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無キニ鑑ミ之等決定ニ基テ命令ハ發シアラザルガ
如シ（現存資料ニテハ調査スルモ判明セズ）

別紙第一

陸軍次官ヨリ外務次官宛同省（昭一七、一、二三）
陸軍省一八九

昭和十七年一月十三日附録三普通官第五二號第五
三號及昭和十七年一月十六日附同第八五號ヲ以テ
照會ニ係ル首題ノ件ニ關スル當方ノ意見左ノ如ク
同答ス

左記

一、第五二號ニ關シ

- 1、壽府俘虜條約ハ御批准アラレラレザリシモ
ノナルニ鑑ミ右條約ノ遵守ヲ解明シ得ザルモ
俘虜待遇上之ニ準ジテ措置スルコトニハ異存
ナキ旨通告スルニ止ムルヲ適當トスベシ
- 2、俘虜ノ食料及衣類ノ補給ニ關シテハ俘虜ノ
國民的民族的習慣ヲ適當考慮スルコトニ異存
ナシ

二、第五三號及第八五號ニ關シ前項意見ニ準ス

1465A-3

別紙第二

抑留非戦闘員ニ對スル俘虜條約適用可否ニ關スル件

(昭一七、二、六)
陸警七五三

一月二十七日附條三警通合第一四九號ヲ以テ照會
ニ係ル首題ノ件ニ關スル意見左記通ニ付御了知相
成度

左記

一九二九年ノ壽府俘虜條約ハ日本ニ對シ何等拘束
力ヲ有セザルモ同條約ノ原則ヲ準用シ得ル範圍ニ
於テ抑留非戦闘員ニモ準用スルコトニ異存ナシ但
本人ノ自由意志ニ反シ勞役ニ服セシメザルヲ條件
トス

別紙第三

捕虜ニ關スル情報蒐集傳達方ニ關シ四原少十字委員會

委員長ヨリ申越ノ件

(昭和十六年十二月二十八日)
陸警九三九二

昭和十六年十二月十二日附條三警合第四五八五號ヲ以
テ照會相成リタル首題ノ件ニ關スル當方ノ意見別
紙ノ通回答ス

1465A-4

別紙

本件申出ニ同意ス

但

- イ、一九二九年ノ停戦条約ニ言マルル規定ヲ「事實上適用スルノ用意アルコトヲ宣言スル」ニ非スシテ「情報傳達ノ便宜上利用スル」趣旨トスルコト
- ロ、情報傳達手段ハ電報及共ノ他ノ手段ニヨル事

1465 A-5

證 明 書

「ワシントン」文書局 第

時

國際檢察部

第一四六五A號

典據及ビ公正ニ關スル證明

余、ヨウゾウ、ミヤマハ余ガ下記ノ資格ニ於テ、
即チ文書課長トシテ、日本政府ト公的關係ニ在ル
モノナルコト、竝ニ該官吏トシテ亦ガ茲ニ添附セ
ラレタル、五頁ヨリ成ル、千九百四十六年ノ昭和
二十一年ノ四月十八日附、下記題名、即チ千九百
四十六年四月十八日附書面ニヨル日本政府中央通
信事務局ヨリ國際檢察部宛ノ報告、日本文本文五
頁添附ノモノ、ノ文書保管ニ任ジ居ルコトヲ茲ニ
證明ス。

余ハ更ニ添附ノ記録及ビ文書カ日本政府ノ公文書
ナルコト、竝ニ右ガ下記名稱ノ省入ハ郵局ノ公式
書類及ビ綴ノ一部ナルコトヲ證明ス。(若シアラバ
證書號又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所
在ノ公式名稱ヲモ特記スベシ) 第一復員局

1465A-6

千九百四十六年／昭和二十一年／九月六日

東京ニ於テ署名

當該官吏署名欄 シヤマ ヨウゾウ

右ノ者ノ公的資格 文書課長ノ署名捺印ノ

證 人 ハシモト、グイシノ署名捺印ノ

公式入手ニ關スル證明

余、少尉ジョンカーチス／JOHN CURTIS／人、余が聯合
國最高指揮官總司令部ニ關係アルモノナルコト、
竝ニ上記通名ノ文書ハ余カ公務ニ、日本政府ノ上
記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ證
明ス。

千九百四十六年／昭和二十一年／九月六日

東京ニ於テ署名

氏 名 欄 ジェイ、エー、カーチス
/J. A. Curtis/

右ノ者ノ公的資格 副 監 官

證 人 エリク、ダブリエー、フライシャー
/Eric W. Fleisher/